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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Angel Jet Services, LLC, individually and)
as assignee of Jane Doe,)

No. CV 09-01489-PHX-MHM

10 Plaintiff,)

ORDER

11 vs.)

12)
13 Giant Eagle, Inc., individually and as Plan)
Administrator of Giant Eagle Group)
14 Health Insurance; Giant Eagle Group)
Health Insurance,)

15 Defendants.
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18 Currently before the court is Defendants' Motion to Dismiss for Lack of Personal
19 Jurisdiction (Dkt.#15). Defendants contend that they lack sufficient minimum contacts to
20 be subject to suit in Arizona. (Dkt.#15) Plaintiff opposes this motion by contending that
21 because Plaintiff's claim is based on ERISA, as long as Defendants have sufficient contacts
22 with the United States, suit may be brought without regard to minimum contacts with the
23 forum state. (Dkt. #19 at 9) Defendants reply by arguing that there is no evidence of the
24 alleged assignment that would theoretically confer standing upon Angel Jet to assert the
25 rights of the insured. (Dkt.#21) Specifically, Defendants explain that "although Angel Jet
26 has alleged that it obtained a written assignment from Mrs. Seibel, both in the Complaint and
27 in the Declaration of Jeremy Freer, it did not attach it to the Complaint or the Declaration.
28 Moreover, despite Giant Eagle's request, Angel Jet has refused to produce the assignment

1 document to Giant Eagle.” (Dkt.#21 at 3) Whether an assignment exists bears directly on
2 Angel Jet’s standing to assert an ERISA claim, which in turn, bears directly on the Court’s
3 analysis of the requirements for personal jurisdiction over Defendants.

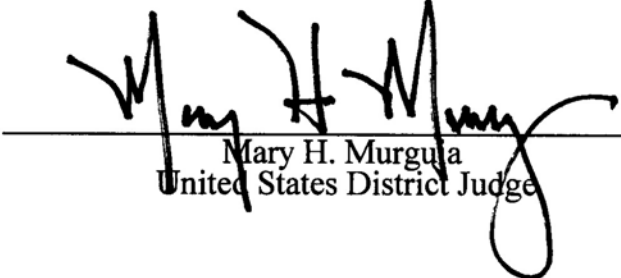
4 **Accordingly,**

5 **IT IS HEREBY ORDERED** directing Angel Jet to produce the alleged assignment
6 to Defendants forthwith. Wells Fargo & Co. v. Wells Fargo Exp. Co., 556 F.2d 406, 430
7 n.24 (9th Cir. 1977) (explaining that “a court may allow discovery to aid in determining
8 whether it has in personam or subject matter jurisdiction”).

9 **IT IS FURTHER ORDERED** directing the parties to meet and confer and to jointly
10 submit a statement regarding their respective positions regarding the validity of the alleged
11 assignment no later than March 8, 2010.

12 DATED this 3rd day of March, 2010.

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Mary H. Murgula
United States District Judge